IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Crl.L.P..No. 273 of 2007()

CC.367/2003 of J.M.F.C.,MALAPPURAM
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PETITIONER/COMPLAINANT

K.PONNAMMA, PARAVILA PUTHAN VEEDU,
PAPANASAM, VARKALA.

BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

RESPONDENTS: ACCUSED & STATE
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1. SATHY, D/O VALSALA,
PARAVILA PUTHAN VEEDU, JANARDHANAPURAM DESOM,
VARKALA VILLAGE.

2. VALSALA, D/O THAMARAKSHY,
PARAVILA PUTHAN VEEDU, JANARDHANAPURAM DESOM,
VARKALA VILLAGE.

3. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R3-BY P.P.SRI.P. RAVEENERA BABU

THIS CRIMINAL LEAVE PETITION HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. THANKAPPAN, J.

CRL.L.P.NO.273 OF 2007

Dated this the 24th day of May, 2007.

O R D E R

This is a petition to special leave to appeal filed against the judgment in C.C.No.367/2003 on the file of the Judicial Magistrate of First Class, Malappuram. The appellant/complainant had filed a complaint before the court below alleging that respondents 1 and 2 herein have committed the offences punishable under Sections 441,447, 324 and 326 read with Section 34 of the I.P.C. It was alleged in the complaint that on 2.11.2002 at 12 O' Clock the respondents/accused trespassed into the property of the appellant/complainant and used filthy language against her. She was threatened and pelted stones against her which hit on her head, chest and abdomen. On the above allegations, the complaint has been filed. To prove the case against the respondents, the appellant/complainant had examined seven witnesses and relied on Ext.P1 wound certificate. After closing the evidence of the appellant, the respondents/accused were questioned, who denied the allegations levelled against them. After the trial, the learned Magistrate found that the evidence adduced by the appellant did not

prove that the respondents have committed any offences as alleged. The appellant/complainant had a case that she was brutally attacked by the accused. PW4, the doctor who issued Ext.P1 wound certificate did not support the case of the complainant and stated that he had noted five minor injuries on the body of PW1. The medical evidence also did not support the prosecution case at all. Apart from that, the witnesses, Pws 2 and 3, who were examined as eye witnesses to the occurrence also did not support the evidence of PW1. In the above circumstances, the trial court acquitted the accused.

2. After going through the entire evidence discussed by the learned Magistrate and on hearing the arguments of the learned counsel appearing for the appellant and on perusing the records, this Court finds that the conclusions arrived at by the trial court are on evidence. Hence, the impugned judgment requires no interference by this Court. Being an appeal against acquittal, unless and until compelling reasons are there, this Court is not intended to interfere with the acquittal judgment.

In the above circumstances, the leave to appeal application stands dismissed.

K. THANKAPPAN, JUDGE.

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